

AO 440 (Rev. 03/08) Civil Summons

UNITED STATES DISTRICT COURT
for the
Northern District of California

E-filing

ROBERT LEVIN and KARL KYZER

Plaintiff

v.

See Attachment A

Defendant

)
) CV 08
) Civil Action No.
)
)

2487

WHA

Summons in a Civil Action

To: See Attachment B

(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

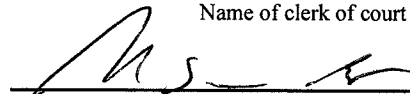
If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

MAY 15 2008

Date: _____

Richard W. Wieking

Name of clerk of court



Deputy clerk's signature

ANN BUCKLEY

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

Attachment A for Summons

Defendants:

1. The Charles Schwab Corporation
2. Charles Schwab & Co. Inc.
3. Charles Schwab Investment Management, Inc.
4. Charles R. Schwab
5. Evelyn Dilsaver
6. Randall W. Merk
7. Mariann Byerwalter
8. Donald F. Dorward
9. William A. Hasler
10. Robert G. Holmes
11. Gerald B. Smith
12. Donald R. Stephens
13. Michael W. Wilsey

Attachment B for Summons

Defendants:

1. The Charles Schwab Corporation
c/o CT Corporation System
18 West Seventh Street
Los Angeles, CA 90017
2. Charles Schwab & Co. Inc.
c/o CT Corporation System
18 West Seventh Street
Los Angeles, CA 90017
3. Charles Schwab Investment Management, Inc.
c/o CT Corporation System
18 West Seventh Street
Los Angeles, CA 90017
4. Charles R. Schwab
To be determined
5. Evelyn Dilsaver
To be determined
6. Randall W. Merk
To be determined
7. Mariann Byerwalter
To be determined
8. Donald F. Dorward
To be determined
9. William A. Hasler
To be determined
10. Robert G. Holmes
To be determined
11. Gerald B. Smith
To be determined
12. Donald R. Stephens
To be determined
13. Michael W. Wilsey
To be determined

WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, The Charles Schwab Corporation ☒, acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.
(CAPTION OF ACTION)

which is case number 08-cv-02487 WHA in the United States District Court
(DOCKET NUMBER)

for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

June 13, 2008
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/16/08
(DATE)

[Signature]
(SIGNATURE)

Printed/Typed Name: on behalf of The Charles Schwab Corporation

As Attorney of Defendant
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Charles Schwab & Co., Inc. ☒, acknowledge receipt of your request
 (DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.
 (CAPTION OF ACTION)

which is case number 08-cv-02487 WHA in the United States District Court
 (DOCKET NUMBER)

for the Northern District of California.

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answer or motion under Rule 12 is not served upon you within 60 days after

June 13, 2008
 (DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/16/08
 (DATE)

(SIGNATURE)

Printed/Typed Name: on behalf of Charles Schwab & Co., Inc.

As Attorney of Defendant
 (TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

Clear Form

WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Charles Schwab Investment Management, Inc. ☒, acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.,
(CAPTION OF ACTION)

which is case number 08-cv-02487 WHA in the United States District Court
(DOCKET NUMBER)
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June 13, 2008,
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/16/08
(DATE)

[Signature]
(SIGNATURE)

Printed/Typed Name: on behalf of Charles Schwab Investment Mgmt. Inc.

As Attorney of Defendant
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons


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WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Charles R. Schwab , acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.,
(CAPTION OF ACTION)

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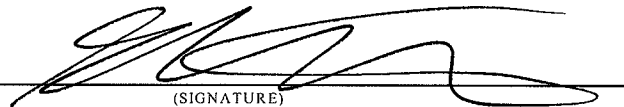
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June 13, 2008,
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/16/08
(DATE)


(SIGNATURE)

Printed/Typed Name: on behalf of Charles R. Schwab

As Attorney of Defendant
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

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WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Evelyn Dilsaver ☒, acknowledge receipt of your request
 (DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.,
 (CAPTION OF ACTION)

which is case number 08-cv-02487 WHA in the United States District Court
 (DOCKET NUMBER)
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June 13, 2008,
 (DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/16/08
 (DATE)

[Signature]
 (SIGNATURE)

Printed/Typed Name: on behalf of Evelyn Dilsaver

As Attorney of Defendant
 (TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

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WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Randall W. Merk ☒, acknowledge receipt of your request
 (DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.,
 (CAPTION OF ACTION)

which is case number 08-cv-02487 WHA in the United States District Court
 (DOCKET NUMBER)
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 (DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/16/08
 (DATE)

[Signature]
 (SIGNATURE)

Printed/Typed Name: on behalf of Randall W. Merk

As Attorney of Defendant
 (TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons


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WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Mariann Byerwalter , acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.,
(CAPTION OF ACTION)

which is case number 08-cv-02487 WHA in the United States District Court
(DOCKET NUMBER)
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

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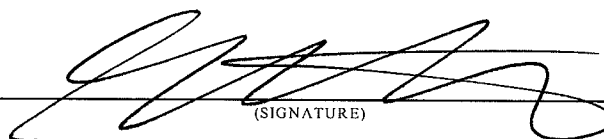
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June 13, 2008,
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/16/08
(DATE)


(SIGNATURE)

Printed/Typed Name: on behalf of Mariann Byerwalter

As Attorney of Defendant
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons


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WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Donald F. Dorward , acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.,
(CAPTION OF ACTION)
which is case number 08-cv-02487 WHA in the United States District Court
(DOCKET NUMBER)
for the Northern District of California.

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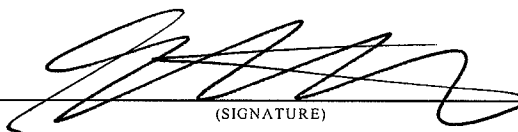
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(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/14/08
(DATE)


(SIGNATURE)

Printed/Typed Name: on behalf of Donald F. Dorward

As Attorney of Defendant
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons


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WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, William A. Hasler , acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.,
(CAPTION OF ACTION)

which is case number 08-cv-02487 WHA in the United States District Court
(DOCKET NUMBER)
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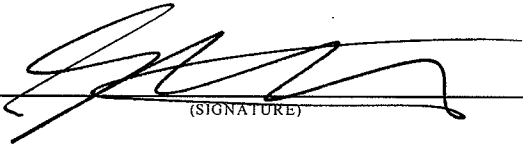
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June 13, 2008,
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/16/08
(DATE)


(SIGNATURE)

Printed/Typed Name: on behalf of William A. Hasler

As Attorney of Defendant
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

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WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Robert G. Holmes ☒, acknowledge receipt of your request
 (DEFENDANT NAME)

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June 13, 2008,
 (DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/16/08
 (DATE)

(SIGNATURE)

Printed/Typed Name: on behalf of Robert G. Holmes

As

Attorney
 (TITLE)

of

Defendant
 (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons


Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Gerald B. Smith , acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.,
(CAPTION OF ACTION)

which is case number 08-cv-02487 WHA in the United States District Court
(DOCKET NUMBER)

for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

June 13, 2008,
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/16/08
(DATE)


(SIGNATURE)

Printed/Typed Name: on behalf of Gerald B. Smith

As Attorney of Defendant
(TITLE) (CORPORATE DEFENDANT)

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Donald R. Stephens , acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.,
(CAPTION OF ACTION)

which is case number 08-cv-02487 WHA in the United States District Court
(DOCKET NUMBER)

for the Northern District of California.

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I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

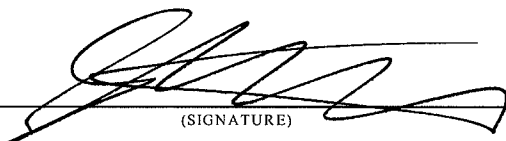
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or within 90 days after that date if the request was sent outside the United States.

6/16/08
(DATE)


(SIGNATURE)

Printed/Typed Name: on behalf of Donald R. Stephens

As Attorney of Defendant
(TITLE) (CORPORATE DEFENDANT)

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WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Michael W. Wilsey , acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of Levin, et al. v. The Charles Schwab Corporation, et al.,
(CAPTION OF ACTION)

which is case number 08-cv-02487 WHA in the United States District Court
(DOCKET NUMBER)

for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

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June 13, 2008,
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/16/08
(DATE)


(SIGNATURE)

Printed/Typed Name: on behalf of Michael W. Wilsey

As Attorney of Defendant
(TITLE) (CORPORATE DEFENDANT)

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